

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

In Re TERRANCE WILLIAMS,

Case No. 3:22-CV-0201-MMD-CLB

**ORDER TO PAY FILING FEE  
OR FILE APPLICATION TO  
PROCEED *IN FORMA PAUPERIS***

**I. DISCUSSION**

On May 3, 2022, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted documents to the Court. (ECF No. 1). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin an action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$402 filing fee for this action on or before **June 17, 2022**. Absent unusual circumstances, the Court will not grant any further extensions of time.

If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with all three required documents or pay the full \$402 filing fee on or before **June 17, 2022**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case

1 with the Court when Plaintiff is either able to acquire all three of the documents needed  
 2 to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing  
 3 fee.

4 A dismissal without prejudice means Plaintiff does not give up the right to refile the  
 5 case with the Court, under a new case number, when Plaintiff has all three documents  
 6 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff  
 7 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
 8 full filing fee of \$402 on or before **June 17, 2022** to proceed with this case.

9 The Court will retain Plaintiff's documents, (ECF No. 1), but the Court will not  
 10 proceed until Plaintiff timely files a fully complete application to proceed *in forma pauperis*  
 11 with all three documents or pays the full \$402 filing fee.

## 12 **II. CONCLUSION**

13 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send  
 14 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well  
 15 as the document entitled information and instructions for filing an *in forma pauperis*  
 16 application.

17 IT IS FURTHER ORDERED that on or before **June 17, 2022**, Plaintiff will either  
 18 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52  
 19 administrative fee) or file with the Court:

20 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
 21 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
 22 signatures on page 3),

23 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
 24 official (i.e. page 4 of this Court's approved form), and

25 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
 26 **previous six-month period.**

27 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
 28 application to proceed *in forma pauperis* with all three documents or pay the full \$402

1 filing fee for a civil action on or before **June 17, 2022**, this case will be subject to dismissal  
2 without prejudice for Plaintiff to refile the case with the Court, under a new case number,  
3 when Plaintiff has all three documents needed to file a complete application to proceed  
4 *in forma pauperis* or pays the full \$402 filing fee.

5 IT IS FURTHER ORDERED that the Clerk of the Court will retain the documents  
6 submitted by Plaintiff. (ECF No.1).

7 DATED: May 5, 2022

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10 UNITED STATES MAGISTRATE JUDGE  
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